

## **EXHIBIT 10**



U.S. Department of Justice

Antitrust Division

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*Liberty Square Building*

*450 5<sup>th</sup> Street, N.W.  
Washington, DC 20530*

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Eric Mahr, Esq.  
Robert McCallum, Esq.  
Andrew Ewalt, Esq.  
Freshfields Bruckhaus Deringer LLP  
700 13th Street, NW  
Washington DC 20005-3950

Martha L. Goodman, Esq.  
Heather C. Milligan, Esq.  
Paul, Weiss, Rifkind, Wharton &  
Garrison LLP  
2001 K Street, NW  
Washington, DC 20006-1047

Re: *United States, et al. v. Google LLC*, No. 1:23-cv-108 (E.D. Va.)

Dear Counsel:

I write regarding certain documents produced by the United States from the Federal Agency Advertisers (FAAs), specifically the U.S. Army. Despite extensive and reasonable efforts made by the United States to prevent the disclosure of information protected by the attorney-client privilege and attorney work product doctrine, the United States inadvertently produced to Google the following documents, all of which are protected attorney work product:

- ARMY-ADS-0000094471
- ARMY-ADS-0000094502
- ARMY-ADS-0000121371
- ARMY-ADS-0000121385
- ARMY-ADS-0000121389
- ARMY-ADS-0000121392
- ARMY-ADS-0000154092
- ARMY-ADS-0000154100

These documents reflect requests for information and responses that were directed by DOJ relating to Army digital advertising in anticipation of the instant litigation that were necessary for DOJ to render legal advice to the Army in connection with potential claims against Google.

Section 12(a) of the governing Protective Order (ECF No. 98) provides that “the production of privileged or work-product protected Documents, electronically stored information (“ESI”), or information, whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding.”

As such, we request that Google return, sequester, or destroy its existing copies of the documents in accordance with Federal Rule of Civil Procedure 26(b)(5)(B) and section

12(c) of the Protective Order. We intend to provide a replacement production containing redacted versions of these documents.

Please do not hesitate to contact me with any questions.

Sincerely,

/s/ David C. Grossman

David C. Grossman

